

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KALOMA CARDWELL,

Plaintiff,

v.

DAVIS POLK & WARDWELL LLP,
THOMAS REID, JOHN BICK, WILLIAM
CHUDD, SOPHIA HUDSON, HAROLD
BIRNBAUM, DANIEL BRASS, BRIAN
WOLFE, and JOHN BUTLER,

Defendants.

19 Civ. 10256 (GHW)

DECLARATION (PUBLIC) OF SUSANNA M. BUERGEL

Susanna M. Buergel declares, under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a Partner at the firm Paul, Weiss, Rifkind, Wharton & Garrison LLP, which represents defendants in the above-captioned action. I respectfully submit this Declaration in support of defendants' motion to seal confidential material in six exhibits to defendants' motion for summary judgment, *see* Declaration of Susanna M. Buergel, ECF No. 223, Exs. 1, 4–7, 77, in thirty-seven exhibits to plaintiff's opposition to defendants' motion for summary judgment, *see* Declaration of David Jeffries, ECF Nos. 256, 257, Exs. 5–7, 27–28, 33–34, 36–42, 44, 47–48, 50, 60, 71, 77–80, 85, 97, 103–104, 108–109, 114, 116, 120–121, 134, 137, 142, and in plaintiff's Rule 56.1 Counter-Statement, ECF Nos. 272, 274.

2. Attached hereto are as-produced versions of the exhibits that defendants seek to redact or seal, with redactions of the sensitive third-party information that defendants understand

to be within the purview of this Court's September 22, 2022 sealing orders, *see* ECF Nos. 293, 294, 295, and of the privileged client information that defendants are now seeking to redact.

3. Attached as Exhibit 1 is an as-produced version of Exhibit 1 to the Buergel Declaration in support of defendants' motion for summary judgment, as filed in connection with defendants' motion for summary judgment at ECF No. 223-1.

4. Attached as Exhibit 2 is an as-produced version of Exhibit 77 to the Buergel Declaration in support of defendants' motion for summary judgment, as filed in connection with defendants' motion for summary judgment at ECF No. 223-77.

5. Attached as Exhibit 3 is an as-produced version of Exhibit 5 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-5.

6. Attached as Exhibit 4 is an as-produced version of Exhibit 6 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-6.

7. Attached as Exhibit 5 is an as-produced version of Exhibit 7 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-7.

8. Attached as Exhibit 6 is an as-produced version of Exhibit 27 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-26.

9. Attached as Exhibit 7 is an as-produced version of Exhibit 28 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-27.

10. Attached as Exhibit 8 is an as-produced version of Exhibit 33 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-32.

11. Attached as Exhibit 9 is an as-produced version of Exhibit 34 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-33.

12. Attached as Exhibit 10 is an as-produced version of Exhibit 36 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-35.

13. Attached as Exhibit 11 is an as-produced version of Exhibit 37 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-36.

14. Attached as Exhibit 12 is an as-produced version of Exhibit 38 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-37.

15. Attached as Exhibit 13 is an as-produced version of Exhibit 39 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-38.

16. Attached as Exhibit 14 is an as-produced version of Exhibit 40 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-39.

17. Attached as Exhibit 15 is an as-produced version of Exhibit 41 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-40.

18. Attached as Exhibit 16 is an as-produced version of Exhibit 42 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-41.

19. Attached as Exhibit 17 is an as-produced version of Exhibit 44 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-43.

20. Attached as Exhibit 18 is an as-produced version of Exhibit 47 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-46.

21. Attached as Exhibit 19 is an as-produced version of Exhibit 48 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-47.

22. Attached as Exhibit 20 is an as-produced version of Exhibit 50 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-49.

23. Attached as Exhibit 21 is an as-produced version of Exhibit 60 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-59.

24. Attached as Exhibit 22 is an as-produced version of Exhibit 71 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-70.

25. Attached as Exhibit 23 is an as-produced version of Exhibit 77 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-76.

26. Attached as Exhibit 24 is an as-produced version of Exhibit 78 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-77.

27. Attached as Exhibit 25 is an as-produced version of Exhibit 79 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-78.

28. Attached as Exhibit 26 is an as-produced version of Exhibit 80 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-79.

29. Attached as Exhibit 27 is an as-produced version of Exhibit 85 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-84.

30. Attached as Exhibit 28 is an as-produced version of Exhibit 97 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-96.

31. Attached as Exhibit 29 is an as-produced version of Exhibit 103 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-102.

32. Attached as Exhibit 30 is an as-produced version of Exhibit 104 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-103.

33. Attached as Exhibit 31 is an as-produced version of Exhibit 108 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-107.

34. Attached as Exhibit 32 is an as-produced version of Exhibit 109 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 256-108.

35. Attached as Exhibit 33 is an as-produced version of Exhibit 114 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 257-2.

36. Attached as Exhibit 34 is an as-produced version of Exhibit 116 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 257-4.

37. Attached as Exhibit 35 is an as-produced version of Exhibit 120 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 257-8.

38. Attached as Exhibit 36 is an as-produced version of Exhibit 121 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 257-9.

39. Attached as Exhibit 37 is an as-produced version of Exhibit 134 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 257-22.

40. Attached as Exhibit 38 is an as-produced version of Exhibit 137 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 257-25.

41. Attached as Exhibit 39 is an as-produced version of Exhibit 142 to the Jeffries Declaration in opposition to defendants' motion for summary judgment, as filed in connection with plaintiff's opposition to defendants' motion for summary judgment at ECF No. 257-30.

42. Attached as Exhibit 40 is a version of plaintiff's Rule 56.1 Counter-Statement, as filed at ECF No. 272 and ECF No. 274.

43. Attached as Exhibit 41 is an as-produced version of Exhibit 4 to the Buergel Declaration in support of defendants' motion for summary judgment, as filed in connection with defendants' motion for summary judgment at ECF No. 223-4.

44. Attached as Exhibit 42 is an as-produced version of Exhibit 5 to the Buergel Declaration in support of defendants' motion for summary judgment, as filed in connection with defendants' motion for summary judgment at ECF No. 223-5.

45. Attached as Exhibit 43 is an as-produced version of Exhibit 6 to the Buergel Declaration in support of defendants' motion for summary judgment, as filed in connection with defendants' motion for summary judgment at ECF No. 223-6.

46. Attached as Exhibit 44 is an as-produced version of Exhibit 7 to the Buergel Declaration in support of defendants' motion for summary judgment, as filed in connection with defendants' motion for summary judgment at ECF No. 223-7.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: November 2, 2022
New York, New York

/s/ Susanna M. Buergel
Susanna M. Buergel